

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN

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DAVID J BEAULIEU,

Plaintiff,

Case No. 24-cv-964-bhl

v.

ANDREW HERRMANN and DETECTIVE  
GLEN NETTESHEIM

Defendants.

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**ORDER**

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In this civil rights case, *pro se* Plaintiff David Beaulieu alleges that Assistant Walworth County District Attorney Andrew Herrmann and Lake Geneva Police Detective Glen Nettesheim violated his constitutional rights in connection with Beaulieu's arrest and prosecution in state court. (*See* ECF No. 15.) On November 21, 2024, Defendant Nettesheim filed a motion to dismiss Plaintiff's amended complaint. (ECF No. 19.) In his motion and accompanying brief, Nettesheim included Zeke Wiedenfeld and Sergeant Joseph Ecklund as defendants in the case caption; both were named in Beaulieu's initial complaint but not in his amended complaint. (*See* ECF Nos. 1, 15, 17 & 19 at 1.) In a footnote, Nettesheim asserts that "no allegations are made against [Wiedenfeld and Ecklund]." (ECF No. 17 at 1 n.1.) Because the amended complaint supersedes the initial pleading, neither Wiedenfeld nor Eckland is now a party to this case. *See Massey v. Helman*, 196 F.3d 727, 735 (7th Cir. 1999) ("[W]hen a plaintiff files an amended complaint, the new complaint supersedes all previous complaints and controls the case from that point forward.").

On December 10, 2024, Plaintiff filed a "Response to Defendant's Erroneous Response to Amended Complaint," in which he asks the Court to "strike defendant's erroneous response, and direct defendant to re-file a corrected response that accurately reflects the parties named in the Amended Complaint." (ECF No. 21.) The Court will deny Plaintiff's request. While Nettesheim's captioning and footnote were incorrect, that error has no substantive impact on the motion to dismiss. Plaintiff can ignore the captioning error and respond to the motion. Because

Plaintiff's time to respond to the motion under Civil Local Rule 7(b) has expired, the Court will extend the deadline to respond by **14 days**, or until **January 2, 2025**.

Accordingly,

**IT IS HEREBY ORDERED** that Plaintiff's Motion to Strike, ECF No. 21, is **DENIED**.

**IT IS FURTHER ORDERED** that Plaintiff must file a response to Defendant Nettesheim's motion to dismiss, ECF No. 19, on or before **January 2, 2025**.

Dated at Milwaukee, Wisconsin on December 19, 2024.

*s/ Brett H. Ludwig*

BRETT H. LUDWIG

United States District Judge